

Our ref: PPSSTH-7

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Prime Moss Vale Pty Ltd

C/o - Urbis

Level 8, 123 Pitt Street, Angel Place,

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Cc: Angela Villate ([angela.villate@aoyuangroup.com](mailto:angela.villate@aoyuangroup.com))

1 April 2022

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**Subject:** Chelsea Gardens – confirmation of sewer licensing arrangements

Dear Mr Barry

I refer to DA 20/0227 for the proposed residential subdivision at 141 Yarrowa Road and 32 Lovelle Street Moss Vale, known as Chelsea Gardens Coomungie Lands ('the site'). The development application seeks consent for a concept application for 1,200 lots and a Stage 1 approval for 177 lots ('the proposed Development'), with the Southern Regional Planning Panel ('the Panel') as consent authority.

As you are aware, the Panel has been considering this application and have reviewed various Council assessment reports and updates to the Panel throughout 2021. The Panel is seeking assurance about the proposed water and sewer servicing arrangements for the proposed development.

The Panel considered Council's supplementary report on 25 October 2021 and determined to engage an independent engineering consultant to review all the relevant documentation in relation to the provision of water and sewer services for the proposed subdivision (including undertaking a peer review of the JMD Development Consultants report dated 18 August 2021) and to advise whether water and sewerage infrastructure can be feasibly and logically implemented in a timely fashion, to adequately service the proposal. The Panel also determined to engage an independent planning consultant to assess the adequacy of proposed water and sewerage arrangements following receipt of this independent engineering advice (among other matters).

These reviews are currently underway, which have included a consideration of the Interim Wastewater Treatment System ('IWTS') approved by Council under DA 21/0772 on 24 February 2021 which the Panel understands approves sewerage infrastructure that is intended to service Stage 1 of the proposed development. The proposed arrangements to service the proposed development after Stage 1 remain unclear at this stage and also forms part of the review by the independent engineering consultant engaged by the Panel.

The independent planning consultant is currently of the view that the water and sewer servicing arrangements for the initial stage of the proposed development, including the IWTS, will likely require a licence under the *Water Industry Competition Act 2006* ('WICA') and notes Condition 31 of the IWTS consent (DA 21/0772) concerns this issue. In order for the independent planning consultant to progress completion of their report into DA 20/0227, it is necessary to know now whether a licence is required under

the WICA, or alternatively, evidence that a licence is not required by the Independent Pricing and Regulatory Tribunal (IPART).

A review of the website of IPART by the independent planning consultant has revealed that an application for a licence under the WICA for the IWTS does not appear to have been lodged to date for the site.

To allow the independent planning consultant to progress completion of their report and for the independent engineering review to be progressed into the proposed water and sewer arrangements for the proposed concept and Stage 1 DA, a response to the following questions is required by **Friday 8 April 2022**:

1. Please provide confirmation of whether you have applied for a WICA licence, including any discussions you have had with IPART about whether the IWTS is exempt from the requirement for a WICA licence.
2. Who will be the Stage 1 lot owner's direct sewerage service provider prior to Council?
3. Who is proposing to construct, maintain and operate the IWTS infrastructure and supply the water and the sewerage services, both initially and into the future (and in relation to all the proposed stages of the Development)?
4. How will the proposed private sewerage infrastructure be managed on public land, and what arrangements are proposed to be entered into to allow for this? (i.e., the proposed sewerage reticulation infrastructure (pipes etc) for the IWTS will be in the road reserve throughout Stage 1 which will be dedicated to Council as public roads but will contain privately owned infrastructure as Council will not be handed the infrastructure until after the upgrade to the Moss Vale Sewerage treatment plant?)

The provision and timing of sewerage services to proposed Stage 1 is a critical issue for the assessment of DA 20/0227 and therefore clarification on the licensing of the IWTS is required.

A response to these questions within the timeframe above is required in order for the independent reports to the Panel to be progressed.

If you have any further enquiries, please contact Amanda Moylan at the Department of Planning and Environment at [amanda.moylan@planning.nsw.gov.au](mailto:amanda.moylan@planning.nsw.gov.au). Please provide a response to this letter to [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au).

Yours sincerely,

Jane Gibbs

Director Regionally Significant Development  
Local & Regional Planning